THE MYSORE POLICE ACT, 1908.

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MYSORE ACT No. V OF 1908.

THE MYSORE POLICE ACT, 1908.

(*As amended by Acts VI of 1921, IX of 1932, X of 1935, II of 1943, VIII of 1952, 17 of 1953 and 20 of 1954.*)

(RECEIVED THE ASSENT OF HIS HIGHNESS THE MAHARAJA ON THE 23RD DAY OF DECEMBER 1908).

An Act to consolidate and amend the Law relating to the Police of [1][the State of Mysore except Bellary District.]

Preamble. WHEREAS it is expedient to consolidate and amend the law relating to the Police of [1][the State of Mysore except Bellary District] ; His Highness the Maharaja is pleased to enact as follows :—

CHAPTER I.

PRELIMINARY.

Short title. **1.** (1) This Act may be cited as "The Mysore Police Act, 1908."

Extent. (2) It extends to the [1][whole of the State of Mysore except Bellary District] ; and

Commencement. (3) It shall come into force at once.

Repeal of enactments. **2.** The enactments mentioned in Schedule 'A' are repealed to the extent specified in the third column thereof.

All references made in any enactment in force to any enactment hereby repealed shall be read as if made to the corresponding portion of this Act.

All rules prescribed, appointments made, powers conferred and orders and certificates issued under any such enactments shall, so far as they are consistent with this Act, be deemed to have been respectively prescribed, made, conferred and issued hereunder.

Rules as to Village Police. **3.** (1) The Government may, from time to time by notification in the Official Gazette, make rules having the force of law regarding the organization and regulation of

1. See the Mysore Adaptation of Laws Order, 1953.

the Village Police in [1][the State of Mysore except Bellary District] and may cancel, alter or add to such rules ; and the Government may, by such rules, among other matters,

(i) provide, subject to the provisions of any law or rules in force relating to village officers, for the entertainment of such village headmen, village watchmen, thotis, talaries, and other establishments of Village Police as may be necessary for each village or place, the appointment of permanent, temporary or acting incumbents for the said offices, and their remuneration ;

(ii) define the relations of members of the Village Police to one another and to the regular Police;

(iii) prescribe the powers and duties of Village Police officers of different grades as regards the collection and communication of intelligence relating to the condition of the community, the state of crime, the commission of offences, the occurrence of suspicious or unnatural deaths, and the like, and as regards the execution of processes, the apprehension of offenders or suspicious characters, the conduct of searches, the holding of inquests, the custody and disposal of unclaimed property, investigation of offences, the examination of witnesses, the taking of precautionary measures against dangers to the public health, peace or safety, the maintenance and charge of village boundary hedges and walls, gates, chavadi and other buildings, and other matters ;

(iv) require the inhabitants of villages to aid the Village Police, when called upon to do so, in keeping watch and patrolling their villages at night, in preventing or resisting robbery or other cognizable offences, in pursuing or apprehending offenders, in the recovery of stolen property, in the maintenance of village fences and village gates in good order and in carrying out other communal purposes of a like nature ;

(v) define the ordinary powers of village headmen and the powers with which village headmen may be specially invested, in respect of the trial and

1. See the Mysore Adaptation of Laws Order, 1958.

punishment of offenders, and the procedure to be followed in the exercise of such powers ;

(vi) provide for the punishment, departmentally or otherwise, of members of the Village Police for misconduct or dereliction of duty ; and

(vii) attach to the breach of any rule under this section a penalty on conviction before a Magistrate not exceeding one hundred rupees.

(2) Until such rules shall be made and published as aforesaid, the " Rules for the organization and Regulation of the Village Police in Mysore," published under the Notification of the Government of India, Foreign Department No. 230—J., dated the 16th October 1872, and as subsequently amended from time to time, shall continue to be in force, and shall be deemed to be rules made under this section.

Definitions.

4. In this Act, unless there be something repugnant in the subject or context,—

" Inspector-General," " Deputy Inspector-General," " Assistant Inspector-General," " District Superintendent " and " Assistant Superintendent."

(*a*) " Inspector-General," Deputy Inspector-General," " Assistant Inspector-General," " District Superintendent " and " Assistant Superintendent " mean, respectively, the Inspector-General of Police, a Deputy Inspector-General of Police, an Assistant Inspector-General of Police, a District Superintendent of Police and an Assistant Superintendent of Police appointed under this Act ;

" District Superintendent."

(*b*) " District Superintendent " includes any Assistant Superintendent or other person appointed by general or special order of the Government to perform all or any of the duties of a District Superintendent of Police under this Act in any district or part of a district ;

" Inspector."

(*c*) Subject to such rules and orders as the Government may pass, " Inspector " includes " Sub-Inspector " and " Jamadar " ;

" Police officer."

(*d*) " Police officer " means any member of the regular Police force appointed under this Act ;

(*e*) "Constable" means a Police officer of the lowest grade; "Constable."

(*f*) "District" means a territorial division constituting a district for the purposes of the Mysore Land Revenue Code, 1888, and includes a portion of a District placed under the charge of a District Superintendent for the purposes of this Act; "District."

(*g*) "Taluk" and "Sub-Taluk" mean, respectively, the local limits within which an Amildar and a Deputy Amildar ordinarily exercise revenue jurisdiction under the Mysore Land Revenue Code; "Taluk" and "Sub-Taluk."

(*h*) "Street" includes any highway and the way over any causeway, bridge, viaduct or arch, and any road, lane, footway, square, court, alley or passage accessible to the public, whether a thoroughfare or not; "Street."

[1][(*i*) (1) 'Gaming' does not include a lottery but includes all forms of wagering or betting, except wagering or betting on a horse race when such wagering or betting takes place—

(i) on the date on which such race is run; and

(ii) in an enclosure which the licensee of the race-course on which such race is to be run, has set apart for the purpose under the terms of the licence issued under section 4 of the Mysore Race-courses Licensing Act, 1952, (Mysore Act VIII of 1952), in respect of such race-course; and

(iii) between any person, being present in the enclosure, on the one hand, and such licensee or other person licensed by such licensee in terms of the aforesaid licence on the other hand in such manner and by such contrivance as may be permitted by such licence;

Explanation.—For the purposes of this definition, wagering or betting shall be deemed to include the collection or soliciting of bets, the receipt or distribution of winnings or prizes, in money or otherwise, in respect of any wager or bet, or any act which is intended to aid or facilitate wagering or betting or such collection, soliciting, receipt or distribution;

(2) 'instruments of gaming' include any article used or intended to be used as a subject, or means of,

1. Substituted by Act 17 of 1963.

gaming, any document used or intended to be used as a register or record or evidence of any gaming, the proceeds of any gaming, and any winnings or prizes in money or otherwise distributed or intended to be distributed in respect of any gaming;

(3) 'common gaming house' means a building, enclosure, room, place or vehicle in which any instruments of gaming are kept or used for the profit or gain of the person owning or occupying such building, enclosure, room, place or vehicle or of the person using such building, enclosure, room, place or vehicle, whether he has a right to use the same or not, such profit or gain being either by way of a charge for the use of the instrument of gaming or of the building, enclosure, room, place or vehicle or otherwise howsoever.]

"Cattle." (*j*) "Cattle" includes elephants, camels, horses, asses, mules, sheep, goats and swine;

"Vehicle." (*k*) "Vehicle" includes bicycles, tricycles, motor cars and every wheeled conveyance;

Words and expressions defined in the Criminal Procedure Code. (*l*) Words and expressions which are defined in the Code of Criminal Procedure have the same meaning as in that Code.

CHAPTER II.

ORGANIZATION OF THE REGULAR POLICE.

Constitution of Police force. **5.** The entire Police establishment under the Government shall, for the purposes of this Act, be deemed to be one Police force and shall consist of such number of officers and men, and shall be enrolled and constituted in such manner and shall receive such pay as shall, from time to time, be ordered by Government.

Appointment of Inspector-General of Police; and of Deputy or Assistant Inspector-General. **6.** (1) The Government may appoint an Inspector-General of Police for the direction and supervision of the Police force in Mysore;

(2) The Government may appoint one or more Deputy or Assistant Inspectors-General of Police, to whom Government may assign such duties being amongst the lawful duties of the Inspector-General of Police, or in

aid and furtherance thereof as shall to Government seem expedient.

(3) The Inspector-General and Deputy or Assistant Inspector-General may be suspended or removed from office by Government. Their suspension or removal.

7. The Government may appoint for each district such Superintendents and Assistant Superintendents of Police as it may think expedient, and may dismiss, suspend, reduce, remove or transfer any of such officers as it may think fit. Appointment of District and Assistant Superintendents, and their dismissal, suspension, etc.

8. The appointment of Inspectors of such grades as Government may from time to time prescribe shall be made by Government; and the dismissal of Inspectors of all grades shall vest in Government. Appointment of Inspectors of certain grades, and dismissal of Inspectors.

9. (1) The appointment of Inspectors of grades other than those prescribed under section 8 and of Sub-Inspectors shall vest in the Inspector-General. Appointment of Inspectors of other grades, of Sub-Inspectors and of Police Officers below that rank.

(2) Police officers of the rank of Jamadar shall be appointed in each district by the Deputy Commissioner.

(3) Police officers below the rank of Jamadar shall be appointed in each district by the District Superintendent.

(4) The appointment of all officers of any Provincial Reserve Police force except Inspectors of the grades prescribed under section 8 shall be made by the Inspector-General.

Provided that all appointments made under this section shall be subject to such rules as Government may from time to time prescribe.

10. (1) Every Inspector and Sub-Inspector shall, on appointment, receive from the Inspector-General a certificate of appointment in Form I of Schedule 'B'. Such certificate shall become null and void whenever the person named therein ceases for any reason to be an Inspector or a Sub-Inspector, as the case may be, and shall be forthwith surrendered by him. Certificates of appointment to be given to Inspectors and Sub-Inspectors. Such certificates when to become null and void.

Certificates of office to be given to Police officers below the grade of Sub-Inspectors. Such certificates when to become null and void.

(2) Every Police Officer below the grade of Sub-Inspector shall on enrolment, receive a certificate in Form II of Schedule 'B' from the Deputy Commissioner of the district in which he is enrolled. And every such Police officer enrolled in any Provincial Reserve Police force shall receive a certificate in form II of Schedule 'B' from the Inspector-General. Every such certificate shall become null and void whenever the person named therein ceases for any reason to be a Police officer and shall be forthwith surrendered by him.

Powers, etc., of persons, appointed as aforesaid.

11. (1) Every person appointed as aforesaid, shall, in virtue of such appointment, be vested with the powers, functions, privileges and responsibilities of a Police officer.

Temporary suspension of powers, etc., of Police officers.

(2) A Police officer shall not, by reason of his being suspended from office, cease to be a Police officer, but during the term of such suspension, the powers, functions and privileges vested in him shall be in abeyance, and he shall continue subject to the same responsibilities and subject to the same authorities as if no such suspension had taken place.

General powers of the Inspector-General.

12. The Inspector-General shall be the head of the Police Department. He will exercise general control over the Police force and over crime—more particularly, organised and professional crime—and subject to the approval of Government, he may make rules and orders under the provisions of sections 24 and 25 of this Act.

Inspector-General to have magisterial powers; and to exercise them subject to limitations prescribed and imposed by Government.

13. The Inspector-General of Police shall have the powers of a Magistrate of the First Class throughout Mysore, but shall exercise such powers only in such cases and subject to such limitations as may, from time to time, be prescribed and imposed by Government.

General powers of Deputy Commissioner.

14. Subject to the general control of the Inspector-General, the Deputy Commissioner shall be the head of the Police in his district, and shall, as such, direct and regulate all matters connected with the efficient discharge of their duties by the Police force of his district.

(*Chapter II—Organization of the Regular Police*)

Powers of Superintendent.

15. (1) Subject to such rules and orders as may be made by Government in this behalf, and to the general control of the Deputy Commissioner, the District Superintendent may exercise all or any of the powers of the Deputy Commissioner under this Act; and without prejudice to the powers and responsibilities of the Deputy Commissioner, the District Superintendent shall have direct control over all ordinary matters connected with—

(*a*) arms, accoutrements, clothing;
(*b*) drill, exercise;
(*c*) observation and surveillance of gangs, known depredators, suspects; collection and communication of intelligence and information; identification of persons by finger-prints or otherwise;
(*d*) distribution of duties and beats;
(*e*) education of men and officers in law and Police procedure; and
(*f*) questions of routine;

and may correspond direct with the Inspector-General in ordinary matters connected with arms, accoutrements, clothing, drill and discipline, escorts, reports and returns, identification of persons by finger-prints or otherwise, and other routine matters.

Powers of Amildar, Deputy Amildar and Inspector.

(2) Subject as aforesaid, the Amildar and Deputy Amildar shall be *ex-officio* Police officers within their revenue charges and shall have general powers of control over the Police and be responsible for the prevention and detection of crime and maintenance of order within such charges; and the Inspector shall be the executive head of the Police within his range, subject to the general control and direction of the Amildar or Deputy Amildar.

Deputy Commissioner may make necessary distribution of Police force.

16. Subject to the approval of the Inspector-General, the Deputy Commissioner may make such distribution or movement of the allotted Police force within his jurisdiction as may be found necessary to meet local requirements.

Appointment of Special Police officers.

17. (1) When it shall appear that any unlawful assembly or riot or other disturbance of the peace has taken place or is reasonably apprehended and that the Police force ordinarily employed for preserving the peace is not sufficient for its preservation and for the protection of the

inhabitants and the security of property in the place where such unlawful assembly or riot or disturbance of the peace has occurred or is apprehended, it shall be lawful for any Magistrate in the neighbourhood, on the application of any Police officer having authority in the place, not below the rank of an officer in charge of a Police station, to appoint, by a written order signed by himself and sealed with his official seal, so many of the fit and capable male residents of the neighbourhood as may be required to act as Special Police officers for such time and within such limits as he shall deem necessary.

Powers and responsbilities of Special Police officers.

(2) Every Special Police officer so appointed shall have the same powers, functions, privileges and immunities and be liable to the same duties and responsibilities and be subject to the same authorities as an ordinary Police officer; but it shall not be necessary for him to receive a certificate of office under section 10.

Employment of additional Police at request of persons showing the necessity therefor.

18. (1) The Inspector-General, or the Deputy Commissioner, subject to the approval of the Inspector-General, may, on the application of any person showing necessity therefor, depute any additional number of Police to keep the peace or to perform other Police duties at any place within his jurisdiction.

Cost and control thereof.

(2) Such additional Police shall be employed at the charge of the person making the application, but shall be subject to the orders of the Police authorities and shall be employed for such period as may be deemed necessary.

Proviso regarding relief from cost.

(3) Provided that, if the person, upon whose application such additional Police are employed shall, at any time, make a written requisition to the Inspector-General or the Deputy Commissioner for the withdrawal of the said Police, he shall be relieved from the charge therefor on the expiration of such period, not exceeding one month from the date of delivery of such requisition, as such officer shall determine.

Employment of additional Police near large works.

19. (1) Whenever it shall appear to the Inspector-General or the Deputy Commissioner that the behaviour, or a reasonable apprehension of the behaviour, of the persons employed on any railway, canal or other public work, or in or upon any manufactory or other commercial

concern under construction or in operation at any place, necessitates the employment of additional Police at such place, such officer may, with the sanction of Government, depute such additional Police to the said place and keep the said Police employed therefor so long as he shall consider necessary.

Cost and control thereof.

(2) Such additional Police shall be employed at the charge of the person by whom the work, manufactory or concern is being constructed or carried on, at such rates and payable at such times as the Deputy Commissioner, with the sanction of Government, may prescribe and shall be subject to the orders of the Police authorities.

Disputes as to payment of cost.

20. In the event of any dispute in any case under section 18 or section 19, the decision of the Deputy Commissioner shall be conclusive as to the amount to be paid and as to the person by whom it is to be paid, and the sum so ascertained may be levied as if it were an arrear of land revenue.

Employment of additional Police in cases of special danger to public peace.

21. (1) The Government may, from time to time, by notification duly published, direct the employment of additional Police for such period as it shall think fit in any local area which shall appear to it to be in a disturbed or dangerous state, or in which the conduct of the inhabitants or of any particular section of the inhabitants shall, in its opinion, render it expedient temporarily to increase the strength of the Police.

Cost thereof.

(2) The cost of such additional Police shall, if Government so direct, be either in whole or in part defrayed by a tax imposed on the persons hereinbelow mentioned, or by a rate assessed on the property of such persons, or both by a tax and by a rate in such proportions as the Government may fix, and charged—

(*a*) either generally on all persons who are inhabitants of the local area to which such notification applies; or

(*b*) specially on any particular section or sections or class or classes of such persons.

Explanation.—For the purposes of this section and of section 22, "inhabitants" shall include persons who themselves or by their agents or servants occupy or hold land

or other immovable property within such area, and landlords who themselves or by their agents or servants collect rents or revenue direct from raiyats or occupiers in such area notwithstanding that they do not actually reside therein.

Extension of period for payment of cost.

(3) It shall be lawful for Government to extend the period for the payment of such tax or rate for a term not exceeding in any case five years beyond the period for which such additional Police are actually employed.

Assessment of cost.

(4) The said tax shall be imposed, or the said rate shall be assessed, by the Deputy Commissioner at his discretion.

Exemption from liability to bear cost.

(5) It shall be lawful for Government, by order, to exempt any person from liability to bear any portion of such cost.

Application for compensation for injury caused by misconduct of inhabitants or unlawful assembly.

22. (1) If death or grievous hurt or loss of or damage to property has been caused by, or has ensued from, the misconduct of the inhabitants or any class or section of them in any area referred to in the preceding section or by anything done in the prosecution of the common object of an unlawful assembly, it shall be lawful for any person or persons who claim to have suffered injury from such misconduct or act to make, within one month from the date of the injury, an application to the Deputy Commissioner for compensation.

Compensation how recoverable.

(2) With the previous sanction of Government obtained through the Inspector-General, the Deputy Commissioner may—

(*a*) after such enquiry as he deems necessary,

(i) determine the amount of the compensation which should be paid to such person, or persons, and

(ii) declare the local area, the inhabitants of which have, in his opinion, by their conduct caused or contributed to such disturbed or dangerous state or to the holding of such assembly;

(*b*) recover the amount so determined, in such proportions as he may think proper, from all or any of the inhabitants of the local area so declared as aforesaid, or from any section or sections, or class or classes of such persons;

(*c*) award or apportion all or any moneys so recovered to any person or among all or any persons whom he considers entitled to compensation in respect of the death or grievous hurt or loss or damage aforesaid.

Exemption from liability to pay compensation.

(3) It shall be lawful for Government, by order, to exempt any persons from liability to pay any portion of such compensation.

Conditions under which compensation recoverable.

(4) No recovery shall be made and no compensation shall be granted under this section, unless the Deputy Commissioner is satisfied that the person claiming compensation is himself free from blame in respect of the occurrences which led to the death, grievous hurt, loss or damage as aforesaid.

Orders of Deputy Commissioner subject to revision.

(5) Every declaration, assessment and order made by the Deputy Commissioner under sub-section (2) shall be subject to revision by Government or by such officer as it from time to time empowers in this behalf, but save as aforesaid shall be final.

Bar to maintaining civil suit.

(6) No civil suit shall be maintainable in respect of any loss or injury for which compensation has been awarded under this section.

Recovery of rates and charges under sections 21 and 22 by Deputy Commissioner.

23. Every tax imposed or rate assessed or amount recoverable by the Deputy Commissioner under the last two preceding sections or other provision of this Act shall be recovered by the Deputy Commissioner as if it were an arrear of land revenue due by the person answerable therefor.

CHAPTER III.

Regulation, Control and Discipline of the Police Force.

Framing of rules for administration of Police.

24. Subject to the orders of Government, the Inspector-General may from time to time, make rules or orders not inconsistent with this Act or with any other enactment at the time in force—

(*a*) relating to the recruitment, organization, classification and discipline of the Police;

(Chapter III—Regulation, Control and Discipline of the Police Force)

(*b*) regulating the inspection of the Police by his subordinates ;

(*c*) determining the description and quantity of arms, accoutrements, clothing and other necessaries to be furnished to the Police ;

(*d*) for institution, management and regulation of any Police fund for any purpose connected with the Police administration ;

(*e*) regulating the distribution, movement and location of the Police ;

(*f*) regulating the duties of Police officers of different grades ;

(*g*) regulating the collection and communication by the Police of intelligence and information, and in the investigation of crime ;

(*h*) prescribing the books and registers to be maintained and the returns to be submitted by the several Police officers ;

(*i*) generally, for the purpose of rendering the Police efficient and preventing abuse or neglect of their duties..

Inspector-General may make inspections and call for returns, etc.

25. The Inspector-General may, subject to the rules and orders of Government, make periodical inspections of Police establishments and stations, and require from the District Superintendent and other officers subordinate to him and from the Deputy Commissioner, returns, reports and statements, either particular or general, on subjects connected with the suppression of crime, the condition of the criminal classes, the maintenance of order and the prevention of disorder, the regulation of assemblies and amusements, the distribution of the Police force, the utilization of auxiliary means, the performance by the Police of their duties and all other matters in furtherance of his control of the police force.

Punishment of Police officers departmentally for neglect of duty, etc.

26. (1) Any officer authorized by sub-section (3) in that behalf may—

(*a*) suspend, reduce or dismiss any Police officer below the grade of Assistant Superintendent, or

(*b*) impose on any such Police officer who is guilty of any breach of discipline, misconduct or neglect of

duty which does not necessitate his suspension, reduction or dismissal or who, by any act of his own, renders himself unfit for the discharge of his duty any one or more of the following punishments, *viz.*,—

(1) fine not exceeding one month's pay ;
(2) deprivation of good service pay ;
(3) removal from any office of distinction or special emolument ;
(4) entry of a black mark against his name in the manner prescribed by rules made in this behalf ;
(5) forfeiture of leave ;
(6) punishment drill ;
(7) extra guard, fatigue or other duty,

Provided that the punishments mentioned in clauses (4), (6) and (7) shall not be imposed on any officer of or above the rank of Jamadar.

Punishment under this section to be in addition to penalty under sections 33, 59 or 60.

(2) Any punishment inflicted on a Police officer under this section shall be in addition to the penalty to which such officer is liable under sections 33, 59 or 60 of this Act or any other law in force.

Punitive powers of Inspector-General and Deputy Commissioner and District Superintendent.

(3) Subject to the provisions of section 8, the Inspector-General shall have authority to punish any Police officer below the grade of Assistant Superintendent. The Deputy Commissioner and the District Superintendent shall have each the like authority in respect of any Police officer subordinate to him of and below the grade of Sub-Inspector and the Deputy Commissioner may suspend an Inspector who is subordinate to him, pending inquiry into any grave complaint against such Inspector and until an order of the Inspector-General can be obtained. But the exercise of any power conferred by this sub-section shall be subject always to such rules and orders as may be made by Government in that behalf.

Procedure to be observed in awarding punishment.

27. (1) When any officer passes an order for fining, suspending, reducing or dismissing a Police officer, he shall record such order or cause the same to be recorded, together with the reasons therefor and a note of the

inquiry made, in writing, under his signature, in Kanarese or in English.

Appeal.

(2) From all orders passed by the District Superintendent under sub-section (1), an appeal shall lie to the Deputy Commissioner. From all orders of the Deputy Commissioner, an appeal shall lie to the Inspector-General. In the case of all officers above the rank of constables, a further appeal shall lie to Government.

Departmental punishment for insubordination.

28. (1) The Inspector-General or the Deputy Commissioner or the District Superintendent may punish, by confinement for a period not exceeding three days, any Police officer below the rank of Jamadar or head constable who is, in his presence, grossly insubordinate or who is insolent to him.

Procedure to be observed in awarding such punishment.

(2) Every order for punishing a Police officer as aforesaid shall be recorded in the manner prescribed in section 27, and a copy of every such order made by a Deputy Commissioner or a District Superintendent shall be forwarded by him without delay to the Inspector-General or the Deputy Commissioner, as the case may be.

Police officers to be deemed to be always on duty and to be liable to employment in any part of Mysore.

29. Every Police officer shall, for all purposes of this Act, be deemed to be always on duty and may at any time be transferred to or employed on Police duty in any part of Mysore for so long as his services may be there required.

Police officers not to engage in trade, etc.

30. (1) Without the permission of the Deputy Commissioner or the Inspector-General, or of Government, no Police officer shall engage in trade or be in any way concerned, either as principal or as agent, in any dealing in land within the district wherein he is employed or in any commercial transaction whatever, or bid for property sold by order of a Criminal Court, or have money transactions with another Police officer.

Police officers not to be engaged on other than Police duties.

(2) No Police officer shall, unless with the written permission of the Inspector-General, hold any office or practise in any profession, or engage in any employment whatever, other than his office or duties as such Police officer.

(Chapter III—Regulation, Control and Discipline of the Police Force)

(3) The prohibitions in sub-sections (1) and (2) apply when a Police officer is on leave or under suspension as well as when he is on duty. These prohibitions to apply also when Police officer is on leave or under suspension.

31. (1) Unless with the written permission of the Deputy Commissioner or of some other Police officer empowered by the Inspector-General in this behalf, no Police officer of or below the rank of Inspector shall resign his office or withdraw himself from the duties thereof. Under what conditions Police officer may resign.

[1] * * *

(2) Provided that if any such Police officer produces a certificate signed by the Principal Medical Officer in the district declaring him to be unfit, by reason of disease or mental or physical incapacity, for further service in the Police, the necessary written permission to resign shall forthwith be granted to him on his discharging or giving satisfactory security for the payment of any debt due by him [2][as such Police officer to the Government or to any police fund.] Proviso.

(3) If any such Police officer as aforesaid resigns or withdraws himself from the duties of his office in contravention of this section, he shall be liable, on the order of the Deputy Commissioner, to forfeit all arrears of pay then due to him. This forfeiture shall be in addition to the penalty to which the said officer is liable under section 33 of this Act or other law in force. Arrear pay of Police officer contravening this section may be forfeited.

32. (1) Every person who for any reason ceases to be a Police officer shall forthwith deliver up to some officer empowered by the Deputy Commissioner to receive the same, his certificate of appointment or of office and arms, accoutrements, clothing and other necessaries which have been furnished to him for the execution of his office. Certificate, arms, etc., to be delivered up by person, ceasing to be Police officer and

(2) Any Magistrate and, for special reasons which shall be recorded in writing at the time, any District Superintendent may issue a warrant to search for and seize, wherever they may be found, any certificate, arms, if not delivered up, may be seized under search warrant.

1. The word "until" and clauses (*a*) and (*b*) omitted by Act II of 1943.
2. Substituted for the words "as aforesaid" by Act II of 1943.

accoutrements, clothing or other necessaries not so delivered up. Every warrant so issued shall be executed in accordance with the provisions of the Code of Criminal Procedure by a Police officer or, if the Magistrate or District Superintendent issuing the warrant so directs, by any other person.

Saving of certain articles.

(3) Nothing in this section shall be deemed to apply to any article which, under the orders of the Inspector-General, has become the property of the person to whom the same was furnished.

Penalty for making false statement, etc., and for misconduct of Police officers.

33. (1) Any person who makes a false statement or uses a false document for the purpose of obtaining employment or release from employment as a Police officer, or

(2) any Police officer who—

(*a*) contravenes any provision of section 30, or

(*b*) is guilty of cowardice, or

(*c*) resigns his office or withdraws himself from the duties thereof in contravention of section 31, or

(*d*) is guilty of any wilful breach, or neglect of any provision of law or of any rule or order which, as such Police officer, it is his duty to observe or obey, or

(*e*) is guilty of any violation of duty for which no punishment is expressly provided by any other law in force,

shall on conviction before a Magistrate, be punished with imprisonment for a term which may extend to three months or with fine which may extend to one hundred rupees, or with both.

Consequence of failure to return to duty after leave.

(3) A Police officer who, being absent on leave, fails, without reasonable cause, to report himself for duty on the expiration of such leave, shall, for the purposes of clause (*c*), be deemed to withdraw himself from the duties of his office within the meaning of section 31.

Penalty for failure to deliver up certificate of appointment or of office or other article.

34. Any Police officer who wilfully neglects or refuses to deliver up his certificate of appointment or of office or any other article, in accordance with the provision of sub-section (1) of section 32, shall on conviction before a Magistrate be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

(Chapter IV—Police Regulations)

CHAPTER IV.

POLICE REGULATIONS.

Power of Government to make orders in matters under section 144 of Criminal Procedure Code.

35. Government whenever it shall seem necessary may, by notification, make an order to such effect as any order which, if made by a Magistrate under section 144 of the Code of Criminal Procedure, could be continued in force by Government under the enactment aforesaid.

Rules may be made by District Magistrate regarding use of street, etc.

36. (1) In any town or other place in which he thinks fit, the Magistrate of the district, may, from time to time and subject to such orders as may have been made by a Municipal or other authority empowered in that respect, make rules or orders—

(*a*) closing certain streets or places temporarily, in cases of danger from ruinous buildings, or other cause, with such exceptions as shall appear reasonable ;

(*b*) for guarding against injury to persons and property in the construction, repair and demolition of buildings, platforms and other structures from which danger may arise to passengers, neighbours or the public;

(*c*) regulating the leading, driving, conducting or conveying of any elephant or wild or dangerous animal through or in any street ;

(*d*) prohibiting the hanging or placing of any cord or pole across a street or part thereof, or the making of a projection or structure so as to obstruct traffic or the free access of light and air ;

(*e*) prescribing certain hours of the day during which odorous and offensive matter or objects shall not be taken from or into houses or buildings in certain streets or conveyed through such streets, and during which cattle shall not be driven along the streets or along certain specified streets except under such reasonable regulations as he may prescribe in that behalf ;

(*f*) prohibiting the setting fire to or burning any straw or other matter, or lighting a bonfire or wantonly discharging a fire-arm or air-gun, or letting off or

throwing a fire-work or sending up a fire-balloon in or upon or within fifty feet of a street or building, or the putting up of any post or other thing on the side of or across a street for the purpose of affixing thereto, lamps or other contrivances for illumination, except under such reasonable regulations as he may prescribe in that behalf;

(*g*) prohibiting, except under such reasonable regulations as he may impose, the making of any excavation, the placing of building materials or other articles, or the fastening or detention of any horse or other animal in any street;

(*h*) regulating the blasting of rocks or the making of excavations in or near any street, and providing for the taking out of licenses for such operations;

(*i*) prohibiting, save under such regulations as aforesaid, the exposure or movement in any street of persons or animals suffering from contagious or infectious diseases and the carcasses of animals or parts thereof and the corpses of persons deceased;

(*j*) setting apart places for the slaughtering of animals, the cleaning of carcasses or hides, the deposit of noxious or offensive matters, and for obeying calls of nature;

(*k*) laying down such directions in cases of existing or apprehended epidemic or infectious diseases of men or animals with respect to cleanliness and disinfection of premises by the occupier thereof and residents therein, and as to the segregation and management of the persons or animals diseased or supposed to be diseased, as may have been ordered or approved by Government with a view to prevent the disease or to check the spreading thereof;

(*l*) directing the closing or disuse, wholly or for certain purposes, or limiting to certain purposes only the use, of any source, supply or receptacle of water, and providing against pollution of the same or of the water therein;

(*m*) regulating the hours during which and the manner in which any place for the disposal of the dead,

any chattram, village-gate or other place of public resort may be used, so as to secure the equal and appropriate application of its advantages and accommodation and to maintain orderly conduct amongst those who resort thereto;

(*n*) regulating the entrance and exit of persons at theatres and other places of public amusement or assembly, the decent and orderly conduct of proceedings therein and the movement of persons, animals and vehicles at such times and such places at which, in the opinion of the Magistrate, special regulations may be necessary for the public safety and convenience.

Manner of publication of such rules.

(2) Every regulation made under clause (*i*) or made under clause (*m*) with respect to the use of a place for the disposal of the dead shall be framed with due regard to ordinary and established usages and to the necessities of prompt disposal of the dead in certain cases. Every rule, order or regulation made under the several clauses of this section shall be published in one or more of the methods described below, to be determined by the Magistrate of the district with reference to the circumstances of each case :—

(*a*) by delivery of copy thereof to the person concerned;

(*b*) by affixing notice of the same in such language or languages as may be found suitable at a conspicuous place or places in or near the building, platform, structure, street, locality, source of supply or receptacle of water, place for disposal of the dead, chattram, village-gate, theatre or other place of public resort or amusement;

(*c*) by affixing such notice in the chavadi, Police Station or Taluk Cutcherry or in more than one of these places;

(*d*) by publication of the same in the Official Gazette, and if the Magistrate so direct, in local newspapers;

(*e*) by beat of tom-tom in such places and at such times as the Magistrate may prescribe.

Rules under clause (1) (*k*) to be reported to Government.

(3) Every rule promulgatad under the authority of clause (*k*) of sub-section (1) of this section shall be forthwith reported to Government and shall be in force for not more than thirty days unless extended by Government for a longer period and, in such case, for so long as Government directs.

(4) It shall be the duty of all persons concerned to conform to any order duly made as aforesaid so long as the same shall be in operation.

Discontinuance of brothels.

37. On complaint being made to a Magistrate of a district or of a sub-division that any house in a town or village in his district or sub-division to which Government has by notification extended this section is used as a common brothel or lodging-house or place of resort for prostitutes or disorderly persons of any description, to the annoyance of the respectable inhabitants of the vicinity, the said Magistrate may summon the owner or tenant of the house to answer the complaint, and on being satisfied that the house is so used may order the owner or tenant, within a reasonable period which shall be set forth in the order, to discontinue such use of it.

District Magistrate, etc., may authorise Police Officer to enter common gaming-house.

38. If the Magistrate of the district or a first class Magistrate or the District Superintendent of Police has reason to believe that any building, enclosure, room, place or vehicle is used as a common gaming house, he may either himself enter, or by his warrant give authority to any Police officer above the rank of a constable to enter, with such assistance as may be found necessary, by night or by day, and by force if necessary, any such building, enclosure, room, place, or vehicle and to arrest all persons found therein, and to seize all instruments of gaming and all moneys and securities for money and articles of value reasonably suspected to have been used or intended to be [1][used for the purpose of gaming] which are found therein and to search all parts of such building, enclosure, room, place or vehicle and also the persons found therein.

Control of sound or noise.

[2][**38-A.** (1) If the District Superintendent or the Assistant Superintendent or any Magistrate of the First Class having jurisdiction in any area is satisfied from

1. Substituted by Act 17 of 1953.
2. Sections 38 A and 38 B inserted by Act 20 of 1954.

the report of an officer in charge of a Police Station or other information received by him that it is necessary to do so in order to prevent annoyance, disturbance, discomfort or injury or likelihood of annoyance, disturbance, discomfort or injury to the public or to any persons who dwell in the vicinity, he may, by a written order issue such direction as he may consider necessary to any person for preventing, prohibiting, controlling or regulating the incidence or continuance in or upon any premises or place of—

(i) any vocal or instrumental music, or

(ii) sounds caused by the playing, beating, clashing, blowing or use in any manner whatsoever of any instrument, appliance, apparatus or contrivance which is capable of producing sound.

(2) The officer empowered under sub-section (1) may, either on his own motion or on the application of any person aggrieved by an order made under sub-section (1), either rescind, modify or alter any such order:

Provided that before any such application is disposed of the said officer shall afford to the applicant an opportunity of appearing before him either in person or by pleader and showing cause against the order and shall, if he rejects any such application either wholly or in part, record his reasons for such rejection.

Licensing use of Loudspeakers, etc.

38-B. Subject to the provisions of section 38-A, no person shall use or operate—

(i) in or upon any premises any loudspeaker or other apparatus for amplifying any musical or other sound, at such pitch or volume as to be audible beyond fifty feet from such premises;

(ii) in any open space any loudspeaker or other apparatus for amplifying any musical or other sound, at such pitch or volume as to be audible beyond two hundred feet from the place at which the musical or other sound is produced or reproduced,

except under and in accordance with the conditions of a license granted by the District Superintendent or in such local area by such other officer as the State Government

may, by notification in the *Mysore Gazette*, specify in this behalf.]

Issue of orders by Magistrates for prevention of disorder.

39. (1) The Magistrate of the district or in his absence and subject to his order, any Magistrate of the first class having jurisdiction in any town or village and present therein or in the neighbourhood thereof, may, whenever and for such time as it shall appear necessary, by a notification publicly promulgated or addressed to individuals, prohibit in such town or village or the vicinity thereof the carrying of arms, cudgels or other weapons, the carrying, collection and preparation of stones or other missiles or instruments or means of casting or impelling missiles, the exhibition of persons or of corpses or figures thereof, the public utterance of cries, singing of songs, playing of music, delivery of harangues and use of gestures or mimetic representations and the preparation, exhibition or dissemination of pictures, symbols, placards or of any other object or thing, which may be of a nature to outrage morality or decency or, in the opinion of such Magistrate, may probably inflame religious animosity or hostility between different classes or incite to the commission of an offence, to a disturbance of the public peace or to resistance to or contempt of the law or of a lawful authority.

Orders by subordinate Magistrates to be communicated to District Magistrate.

(2) An order made under this section by a Subordinate Magistrate shall be forthwith communicated to the Magistrate of the district, who shall thereupon confirm, cancel or modify the same as shall seem expedient.

Issue of orders, by Magistrates for prevention of riot or grave disturbance of peace.

40. In order to prevent an impending or apprehended riot or grave disturbance of the peace, the Magistrate of the district, or, in his absence and subject to his control, any Magistrate of the first class having local jurisdiction, may temporarily close or take possession of any building or place, and may exclude all or any persons therefrom or may allow access thereto to such persons only and on such terms as he shall deem expedient. All persons concerned shall be bound to conduct themselves in accordance with such order as the Magistrate may make and notify in the exercise of the authority hereby vested in him.

(Chapter IV—Police Regulations)

Issue of orders by Magistrate of district for maintenance of order at religious ceremonials, etc.

41. (1) In any case of an actual or intended religious or ceremonial or corporate display or exhibition or organized assemblage in any street as to which or the conduct of or the participation in which it shall appear to the Magistrate of the district that a dispute or contention exists which is likely to lead to grave disturbance of the peace, such Magistrate may give such orders as to the conduct of the persons concerned towards each other and towards the public as he shall deem necessary and reasonable under the circumstances, regard being had to the apparent legal rights and to any established practice of the parties and of the persons interested. Every such order shall be published in the town or place wherein it is to operate, and all persons concerned shall be bound to conform to the same.

Orders to be subject to decrees, etc., of Courts.

(2) Any order made under the foregoing sub-section shall be subject to a decree, injunction or order made by a Court having jurisdiction, and shall be recalled or altered on its being made to appear to the Magistrate of the district that such order is inconsistent with any judgment, decree, injunction or order of such Court.

District Magistrate may take special measures to prevent outbreak of epidemic disease at fairs, etc.

42. (1) Whenever it shall appear to the Magistrate of a district that any place in the district at which, on account of a fair, pilgrimage or other such occurrence, large bodies of persons have assembled or are likely to assemble, is visited or will probably be visited with an outbreak of any epidemic disease, he may take such special measures and may, by public notice, prescribe such regulations to be observed by the residents of the said place and by persons present thereat or repairing thereto or returning therefrom, as he shall deem necessary to prevent the outbreak of such disease or the spread thereof.

Levy of fees in such cases.

(2) It shall be lawful for the Magistrate of the district subject to the orders of the Government, to assess and levy such reasonable fees on persons falling under the provisions of sub-section (1) as will provide for the expenses of the arrangements for sanitation and the preservation of order at and about the place of assemblage.

Recovery of expenses from Municipalities.

(3) When the place of assemblage is within the limits of a Municipality, such sums as shall be necessary for the purposes aforesaid may be recovered from the Municipality.

Disposal of gangs and bodies of persons.

43. Whenever it shall appear to the Magistrate of a district or to any Sub-Divisional Magistrate that the movement or encampment of any gang or body of persons in the district is causing or is calculated to cause danger or alarm or to create reasonable suspicion that unlawful designs are entertained by such gang or body or by members thereof, such Magistrate may, by notification addressed to the persons appearing to be the leaders or chief men of such gang or body and published by beat of drum or otherwise as such Magistrate thinks fit, direct the members of such gang or body so to conduct themselves as shall seem necessary in order to prevent violence and alarm, or to disperse and each of them to remove himself to such place by such route as such Magistrate shall prescribe.

Police to provide against disorder, etc., at public places of amusement and public meetings.

44. (1) For the purpose of preventing serious disorder or breach of the law or manifest and imminent danger to the persons assembled at any public place of amusement or at any assembly or meeting to which the public are invited or which is open to the public, the senior Police officer of the highest rank superior to that of constable, present in the town or village where such place of amusement is situate or such assembly or meeting is to be held, may, subject to such rules and orders as may have been lawfully made, give such reasonable directions as to the mode of admission of the public to, and for securing the peaceful and lawful conduct of the proceedings at, such place of amusement or such assembly or meeting, as he thinks necessary; and all persons shall be bound to conform to every such reasonable direction.

Police to have free access thereto.

(2) The Police shall have free access to every such place of amusement, assembly or meeting, for the purpose of giving effect to the provisions of sub-section (1), and to any direction made thereunder.

Issue of licenses for the conduct of processions.

45. The District Magistrate, any first class Magistrate, any Amildar or Deputy Amildar may, within the local limits of his jurisdiction, regulate and control by the grant of licenses or otherwise the conduct of all assemblies and processions, the playing of music, the beating of drums, tom-toms or other instruments and the blowing or sounding of horns or other noisy instruments in or near a street.

Police to regulate assemblies, etc., in public streets.

46. (1) Any officer of Police not below the grade of an Inspector may, subject to any rule or order which may at any time be legally made by any Magistrate or other authority duly empowered in this behalf—

(*a*) make rules for and direct the conduct of and behaviour or action of persons constituting assemblies and processions and moving crowds or assemblages on or along the streets, and prescribe, in the case of processions, the routes by which, the order in which, and the times at which, the same may pass ;

(*b*) make reasonable orders subordinate to and in furtherance of any order made by a Magistrate or competent authority under sections 36 to 43 and 45.

Manner of publication of such rules and orders.

(2) Every rule and order made under sub-section (1) of this section shall be published at or near the place where it is to operate, or shall be notified to the person affected thereby, and all persons concerned shall be bound to act conformably thereto.

Powers with regard to assemblies, etc., violating such rules or orders.

(3) Any Magistrate or any Police officer not below the rank of an officer in charge of a Police Station may stop any procession which violates any license, rule or order issued under this or the preceding section and may order it or any assembly, moving crowd or assemblage which violates any such license, rule or order, to disperse.

Assembly violating such orders to be deemed unlawful assembly.

(4) Any procession or assembly or moving crowd or assemblage which neglects or refuses to obey any such license, rule or order shall be deemed to be an unlawful assembly.

Provisions as to dogs.

47. (1) The Magistrate of the district may, by public notice extending to such place or places within the district as shall therein be named, require every dog, while in the streets and not led by some person, to be muzzled in such a manner as will admit of the animal breathing and drinking without obstruction and effectually prevent it from biting, and the Police may except as is hereinafter in sub-section (2) provided, destroy any dog found loose in any place beyond the premises of the owner thereof during the currency of such order, or may take possession

of any such dog and detain the same until the owner claims it, provides a proper muzzle, and pays all expenses connected with such detention.

When dogs may be destroyed or sold by Police.

(2) The Police shall not destroy any dog which wears a collar bearing a known owner's name unless such dog is rabid, until the same has remained in their possession for three clear days without the owner claiming it and paying all expenses incurred by its detention; but may sell or destroy any dog which has remained in their possession for the said period without the owner claiming it and paying the said expenses.

How expenses may be recovered.

(3) For the expenses incurred under the preceding sub-sections, the owner of the dog shall be answerable as for an arrear of land revenue.

Provision in case of dog wearing collar with owner's address.

(4) When any dog taken possession of by the Police wears a collar with the apparently genuine address of any person inscribed thereupon, a letter stating the fact of such dog having been taken possession of shall be forthwith sent by post to the said address.

CHAPTER V.

EXECUTIVE POWERS AND DUTIES OF THE POLICE.

Duties of Police officer.

48. (1) Every Police officer shall—

(*a*) promptly obey and execute every warrant or other order lawfully issued to him by competent authority; and shall by all lawful means endeavour to give effect to the commands of his superior;

(*b*) to the best of his ability, obtain intelligence concerning the commission of cognizable offences or designs to commit such offences, and report such information and take such other steps, consistent with law and with the orders of his superiors, as shall be best calculated to bring offenders to justice or to prevent the commission of offences;

(*c*) to the best of his ability, prevent the commission of public nuisances;

(*d*) apprehend all persons whom he is legally authorized to apprehend, and for whose apprehension there is sufficient reason ;

(*e*) aid another Police officer when called on by him or in case of need, in the discharge of his duty, in such ways as would be lawful and reasonable on the part of the officer aided ;

(*f*) discharge such duties as are imposed upon him by any law relating to revenue or any other law at the time in force.

Powers to enter places of public resort without warrant.

(2) Every Police officer may, subject to the rules and orders made by Government or by a person lawfully authorised, enter for the purpose of sub-section (1) without a warrant, and inspect any place of public resort and any place which he has reason to believe is used as a drinking shop or shop for the sale of intoxicating drugs, or a place of resort for prostitutes and disorderly persons.

Power to search suspected persons in the streets.

(3) When in street or place of public resort a person is suspected to be in possession or apparent possession of any article which a Police officer in good faith suspects to be stolen property, such Police officer may search for and examine the same and may require an account thereof and, should the account given by the possessor be manifestly false or suspicious, may detain such article and report the facts to a Magistrate, who shall thereon proceed according to sections 523 and 525 of the Code of Criminal Procedure or other law in force.

Duties of Police officers towards the public.

49. It shall be the duty of every Police officer—

(*a*) to afford every assistance within his power to disabled or helpless persons in the streets, and to take charge of intoxicated persons and of lunatics at large who appear dangerous or incapable of taking care of themselves ;

(*b*) to take prompt measures for procuring necessary help for any person under arrest or in custody, who is wounded or sick, and to have due regard to his condition, whilst guarding or conducting him ;

(*c*) to arrange for the proper sustenance and shelter of every person who is under arrest or in custody ;

(*d*) in conducting searches, to refrain from needless rudeness and the causing of unnecessary annoyance ;

(*e*) in dealing with women and children, to act with strict regard to decency and with reasonable gentleness ;

(*f*) to use his best endeavours to prevent any loss or damage by fire ;

(*g*) to use his best endeavours to avert any accident or danger to the public.

Police to regulate traffic, etc., in streets ; and

50. (1) It shall be the duty of a Police officer—

(*a*) to regulate and control the traffic in the streets, to prevent obstructions threin and, to the best of his ability, to prevent the infraction of any of the provisions of this Act or of any rule or order made thereunder or of any other law in force for observance by the public in or near the streets ;

to keep order in streets and other public places ; and

(*b*) to keep order in the streets and at and within public bathing, washing and landing places, fairs, temples and all other places of public resort and in the neighbourhood of places of public worship during the time of public worship ;

to regulate resort to public places.

(*c*) to regulate resort to public bathing, washing and landing places, to prevent overcrowding thereat and in public ferry boats and, to the best of his ability, to prevent the infraction of any rule or order lawfully made for observance by the public at any such place or on any such boat.

Persons bound to conform to reasonable orders of Police.

(2) All persons shall be bound to conform to the reasonable directions of a Police officer given in fulfilment of any of the said duties.

Police officer may restrain or remove contumacious person.

(3) A Police officer may restrain or remove any person resisting or refusing or omitting to conform to any such direction as aforesaid, and may either take such person before a Magistrate or, in trivial cases, may release him when the occasion is past.

(*Chapter V—Executive Powers and Duties of the Police*)

Enforcement of orders issued under sections 39, 40 or 41.

51. Whenever a notification has been duly issued under section 39 or an order has been made under section [1][38-A or 40 or 41,] it shall be lawful for any Magistrate or Police officer to require any person acting or about to act contrary thereto to desist or to abstain from so doing, and, in case of refusal or disobedience, to arrest the person offending. Such Magistrate or Police officer may also seize any object or thing used or about to be used in contravention of such notification or order as aforesaid and the thing seized shall be disposed of according to the order of any Magistrate having jurisdiction at the place.

Duty of Police to see orders issued under section 42 or 43 carried out.

52. It shall be the duty of a Police officer to see that every regulation and notification made by the Magistrate of the district under section 42 or by the Magistrate of the district or a Sub-Divisional Magistrate under section 43 is duly obeyed, to warn persons who from ignorance fail to obey the same, and to arrest any person who wilfully disobeys the same.

Police officer may take charge of stray cattle.

53. A Police officer may take charge of any cattle which may be found straying in a street, and may take or send the same to the nearest pound, and the owner and other persons concerned shall thereon become subject to the provisions of the Cattle Trespass Act.

Duty of Police with regard to unclaimed property.

54. The Police shall take charge of all unclaimed property found by or made over to them, and shall forthwith report the matter to the Magistrate having local jurisdiction, who shall deal with the property as if it were property falling under section 523 of the Criminal Procedure Code.

Superior Police officer may himself perform duties imposed on his inferior, etc.

55. A Police officer of rank superior to that of constable may perform any duty assigned by law or by a lawful order to any officer subordinate to him ; and, in case of any duty imposed on such subordinate, a superior, where it shall appear to him necessary, may aid, supplement, supersede or prevent any action of such subordinate by his own action or that of any other person lawfully acting under his command or authority.

1. Substituted by Act 20 of 1954.

CHAPTER VI.

OFFENCES AND PUNISHMENTS.

Punishment of certain street offences and nuisance;

56. In any local area to which the Government by notification from time to time extends this section or any part thereof, whoever, contrary thereto—

driving on dark nights without light;

(*a*) without lawful excuse drives along, or keeps standing in, any street a vehicle of any description [1][or drags or pushes in any street a vehicle of any description other than a bicycle] at any time between [2][half an hour] after sunset and one hour before sunrise, without a sufficient light or lights; [3]

disregarding the rule of the road;

(*b*) without reasonable cause, drives, drags, or pushes any vehicle otherwise than on the near or left side of the road or passes any vehicle except on the right side of it and at any speed higher than what may be prescribed by notification by Government;

leaving cattle, etc., insufficiently tended;

(*c*) leaves in any street insufficiently tended or secured any animal or vehicle;

causing obstruction or mischief by animals;

(*d*) causes obstruction, injury, danger or alarm in any street, or mischief, by any misbehaviour, negligence or ill-usage in the driving, management or care of any animal or vehicle, or drives any vehicle or animal laden with timber, poles or other unwieldy articles through a street, contrary to any regulation made in that behalf and published by the Magistrate of the district;

exposing animal for hire or sale, etc.;

(*e*) exposes for hire or sale any animal or vehicle, cleans any furniture or vehicle, or cleans, grooms, trains or breaks in any horse or other animal or makes or repairs any vehicle or any part of a vehicle in any street (unless when in the case of an accident repairing on the spot is necessary) or carries on therein any manufacture or operation so as to be a serious impediment to traffic or a serious annoyance to residents or to the public;

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1. Inserted by Act X of 1935.
2. Substituted for "three quarters of an hour" by Act VI of 1921.
3. Certain words at the end of this clause repealed by Act VI of 1921.

causing any obstruction in street;

(*f*) (i) causes obstruction in any street by allowing any animal or vehicle which has to be loaded or unloaded or has to take up or set down passengers, to remain or stand therein longer than may be necessary for such purpose; or by leaving any vehicle standing or by fastening any cattle therein, or using any part of a street as a halting place for vehicles or cattle, or by leaving any box, bale, package or other thing whatsoever in or upon a street for an unreasonable length of time;

(ii) or causes obstruction by exposing anything for sale or setting out anything for sale in or upon any stall, booth, board, cask, basket or in any other way whatsoever contrary to any regulation made and published by the Magistrate of the district;

obstructing foot-way;

(*g*) causes obstruction on any foot-way, or drives, rides or leaves any animal or drives, drags or pushes any vehicle thereupon;

exhibiting mimetic, musical or other performances, etc.

(*h*) exhibits, contrary to any regulation made and notified by the Magistrate of the district, any mimetic, musical or other performances of a nature to attract crowds or carries or places bulky advertisements, pictures, figures, or emblems in any street whereby an obstruction to passengers or annoyance to the inhabitants may be occasioned;

[(*ha*) uses or operates at any place any apparatus for amplifying any musical or other sound, such as a megaphone or loudspeaker, at any time between ten o'clock in the night and six o'clock in the morning, whereby any annoyance, disturbance, or discomfort is caused to the inhabitants in the vicinity.]

[2][(*i*) assembles with others or joins any assembly in a street gathered for the purpose of gaming.]

doing offensive acts on or near public street;

(*j*) (i) slaughters any animal or cleans a carcass or hide, except in some place set apart for the purpose by order of the District Magistrate or of some other person having lawful authority in that behalf;

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1. Inserted by Act 20 of 1954.
2. Substituted by Act 17 of 1958.

(ii) obeys a call of nature or permits a child to do so, or bathes or washes his person in or near to and within sight of a street, so as to cause annoyance to the neighbouring residents or to passers-by ;

letting loose horse, etc., and suffering ferocious dogs to be at large ;

(*k*) negligently lets loose any horse or other animal, so as to cause danger, injury, alarm or annoyance to the public, or suffers a ferocious dog to be at large without a muzzle, or sets on or urges a dog or other animal to attack, worry or put in fear any person or animal ;

bathing or washing in places not set apart for those purposes;

(*l*) bathes or washes in or by the side of a public well, tank, or reservoir, not set apart for such purpose by order of the Magistrate of the district or of some other person having lawful authority in that behalf, or in or by the side of any pond, pool, aqueduct, part of a river, stream, nalla or other source or means of water-supply in which such bathing or washing is forbidden by order of the Magistrate of the district or other person having lawful authority in that behalf ;

defiling water in public wells, etc.;

(*m*) defiles, or causes to be defiled, the water in any public well, tank, reservoir, pond, pool, aqueduct or a part of a river, stream, nalla or other source or means of water-supply, so as to render the same less fit for any purpose for which it is set apart as aforesaid ;

obstructing bathers ;

(*n*) obstructs or incommodes a person bathing at a place set apart for that purpose as aforesaid, by wilful intrusion or by using such place for any purpose for which it is not so set apart ;

behaving indecently in public ;

(*o*) wilfully and indecently exposes his person, uses indecent language or behaves indecently or riotously or in a disorderly manner in a street or place of public resort, or in any public office;

being drunk and incapable;

(*p*) is drunk and incapable of taking care of himself in a street or place of public resort ;

obstructing or annoying passengers in streets ;

(*q*) wilfully pushes, presses, hustles or obstructs any passenger in a street, or disturbs the public peace or order, by violent movements, menacing gestures, wanton personal annoyance, screaming, shouting, wilfully frightening horses or cattle, or otherwise ;

(*r*) uses in any street any threatening, abusive or insulting words or behaviour or posts up or affixes or exhibits any indecent, threatening, abusive or insulting paper or drawing with intent to provoke a breach of the peace or whereby a breach of the peace may be occasioned; — misbehaviour with intent to provoke breach of peace;

(*s*) begs importunately for alms, or exposes or exhibits, with the object of exciting charity, any deformity or disease or any offensive sore or wound in or near to and within sight of any street; — begging and exposing offensive ailments;

(*t*) throws or lays down any dirt, filth, rubbish or any stones or building materials in any street, or causes any offensive matter to run from any house, factory, dungheap, or the like into any street; — throwing dirt into streets;

(*u*) neglects to fence in or duly to protect any well, tank, or other dangerous place or structure; — neglecting to protect dangerous places;

(*v*) without the consent of the owner or occupier, affixes or causes to be affixed any bill, notice or other paper upon any building, wall or fence, or writes upon or defaces or marks any such building, wall or fence; — affixing bills or defacing walls;

(*w*) solicits or molests any passenger in a street for the purposes of prostitution; — soliciting for prostitution.

shall be punished with fine which may extend to fifty rupees, provided that imprisonment in default of payment of such fine shall not exceed eight days, notwithstanding anything contained in section 67 of the Indian Penal Code.

57. (1) Whoever cruelly beats, goads, overworks, overloads, ill-treats or tortures, or causes or procures to be cruelly beaten, goaded, overworked, overloaded, ill-treated or tortured any animal shall be punished with imprisonment which may extend to one month, or with fine which may extend to one hundred rupees, or with both. — Punishment for cruelty to animals.

(2) Jurisdiction in cases arising under this section shall not be exercised by a Magistrate of lower rank than the second class, unless such Magistrate be specially invested with jurisdiction for that purpose by the Government.

Penalty for refusal to serve as special Police officer.

58. Any person appointed as a special Police officer under section 17 who, without sufficient excuse, neglects or refuses to serve as such or to obey such lawful order or direction as may be given to him for the performance of his duties, shall be punished with fine which may extend to fifty rupees.

Penalty for vexatious search, arrest, etc., by Police.

59. Any Police officer who—

(*a*) without lawful authority or reasonable cause, enters or searches or causes to be entered or searched any building, vessel, tent or place ; or

(*b*) vexatiously and unnecessarily seizes the property of any person ; or

(*c*) vexatiously and unnecessarily detains, searches, or arrests any person ; or

(*d*) offers any unwarrantable personal violence to any person in his custody ; or

(*e*) holds out any threat or promise not warranted by law to an accused person ;

shall for every such offence be punished with imprisonment for a term not exceeding two months, or with fine which may extend to five hundred rupees, or with both.

Penalty for vexatious delay in forwarding person arrested.

60. Any Police officer who vexatiously and unnecessarily delays in forwarding any person arrested to a Magistrate or to any other authority to whom he is legally bound to forward such person, shall be punished with fine which may extend to two hundred rupees.

Penalty for contravention of rules under section 36 or of directions under section 50.

61. Whoever—

(*a*) contravenes any rule or order made under section 36, or

(*b*) opposes or fails to conform to any direction given by the police under section 50, or

(*c*) abets the commission of any offence referred to in clause (*a*) or clause (*b*),

shall be punished with fine which may extend to fifty rupees.

Penalty for failure to comply with order under section 37.

62. Whoever fails to comply with an order made under section 37, shall be punished with fine which may extend to twenty-five rupees for every day that such order continues to be disobeyed by him.

(Chapter VI—Offences and Punishments)

Penalty for keeping of any gaming house or gaming therein.

[1][**63.** (1) Whoever—

(*a*) opens, keeps or uses any building, enclosure, room, place or vehicle, for the purpose of a common gaming house,

(*b*) being the owner or occupier of such building, enclosure, room, place or vehicle, knowingly or wilfully permits the same to be opened, occupied, kept or used by any other person for the purpose aforesaid,

(*c*) has the care or management of, or in any manner assists in conducting the business of, any such building, enclosure, room, place or vehicle, opened, occupied, kept or used for the purpose aforesaid,

(*d*) advances or furnishes money for the purpose of gaming with persons frequenting any such building, enclosure, room, place or vehicle,

shall be punished with imprisonment which may extend to six months and with fine :

Provided that—

(*a*) for a first offence such imprisonment shall not be less than one month and fine shall not be less than two hundred rupees ;

(*b*) for a second offence, such imprisonment shall not be less than three months and fine shall not be less than two hundred rupees ; and

(*c*) for a third or subsequent offence such imprisonment shall not be less than six months and fine shall not be less than two hundred rupees.

(2) Whoever is found in any common gaming house gaming or present for the purpose of gaming, shall be punished with imprisonment which may extend to six months and with fine :

Provided that—

(*a*) for a second offence such imprisonment shall not be less than three months and fine shall not be less than two hundred rupees ; and

(*b*) for a third or subsequent offence such imprisonment shall not be less than six months and fine shall not be less than two hundred rupees.

1. Substituted by Act 17 of 1959.

Explanation 1.—When any instrument of gaming has been seized in any building, enclosure, room, place or vehicle, entered or searched under the provisions of section 38 or on a person found therein and in the case of any other thing so seized, if the Court is satisfied that the Magistrate or the Police officer who entered such building, enclosure, room, place or vehicle, had resonable grounds for suspecting that the thing so seized was an instrument of gaming, the seizure of such instrument or thing shall be evidence until the contrary is proved that such building, enclosure, room, place or vehicle is used as a common gaming house and the persons found therein were then present for the purpose of gaming although no gaming was actually seen by the Magistrate or the Police officer or by any person assisting under the authority of either of them.

Explanation 2.—It shall not be necessary in order to convict a person of an offence under this section to prove that any person found gaming was playing for any money, wager, bet, or stake.

Explanation 3.—Any person found in any common gaming house during any gaming therein shall be presumed until the contrary is proved, to have been there for the purpose of gaming.]

Instruments of gaming may be ordered to be destroyed on conviction.

64. On conviction of any person for keeping a common gaming house, or being present therein for the purpose of gaming, all the instruments of gaming found therein may be destroyed by order of the Magistrate, and such Magistrate may order all moneys, securities for money or any of the other articles seized or the proceeds thereof to be forfeited.

Indemnification of witnesses.

65. Any person who shall have been concerned in gaming contrary to this Act, and who shall be examined as a witness before a Magistrate on a trial of any person for a breach of any of the provisions of the Act relating to gaming and who upon such examination shall make true and faithful discovery to the best of his knowledge of all things as to which he shall be so examined and who shall thereupon receive from the said Magistrate a certificate in writing to that effect, shall be freed from all prosecutions under this Act, for anything done before that time in respect of such gaming.

(Chapter VI—Offences and Punishments)

Saving of games of skill.

66. Nothing in sections 38 and 63 of this Act, shall be held to apply to games of mere skill wherever played.

Payment of portion of fine to informer of Police.

67. The Magistrate may award any portion, not exceeding one-half, of any fine which shall be levied under section 63 of this Act, and of the moneys or proceeds of articles seized and ordered to be forfeited under section 64, to informers or Police officers who may have assisted in the detection of the offenders.

Penalty for contravening orders under section 38-A or 38-B.

[1][**67**-A. Whoever contravenes any order under section 38-A or section 38-B or any condition of a license granted thereunder or abets the contravention thereof, shall be punished with imprisonment for a term which may extend to three months or with fine wich may extend to five hundred rupees or with both.]

Penalty for gaming and setting birds and animals to fight in public streets.

[2][**68.** A Police officer may arrest and search without warrant—

(*a*) any person found gaming or reasonably suspected to be gaming in any public street or thoroughfare, or in any place to which the public have or are permitted to have access or in any race-course;

(*b*) any person setting any birds or animals to fight in any public street or thoroughfare or in any place to which the public have, or are permitted to have access;

(*c*) any person there present aiding or abetting such public fighting of birds and animals.

Any such person shall be punished with fine which may extend to three hundred rupees or with imprisonment which may extend to three months and where such gaming consists of wagering or betting, any such person so found gaming shall be punished in the manner and to the extent specified in section 63 and all moneys found on such person shall be forfeited.

And such Police officer may seize all birds and animals and things reasonably suspected to be instruments of gaming found in such public street, thoroughfare, place or race-course or on or about the person of those whom he shall so arrest and the Magistrate may on conviction of the offender order such instruments to be forthwith

1. Inserted by Act 20 of 1954.
2. Substituted by Act 17 of 1953.

destroyed and such birds and animals to be sold and the proceeds forfeited. When anything has been found on or about any person and the Court is satisfied that the Police officer had reasonable grounds for suspecting that such a thing was an instrument of gaming such circumstance shall, until the contrary is proved, be evidence that such thing was an instrument of gaming and that the person on or about whom the thing was found was present for the purpose of gaming.]

Penalty for being found armed between sunset and sunrise intending to commit an offence, etc.

69. Whoever is found between sunset and sunrise—

(1) armed with any dangerous instrument with intent to commit an offence, or

(2) having his face covered or otherwise disguised with intent to commit an offence, or

(3) in any dwelling house or any other building, or on board any vessel or boat, without being able satisfactorily to account for his presence there, or

(4) lying or loitering in any street, or other place, being a reputed thief, and without being able to give satisfactory account of himself, or

(5) having in his possession without lawful excuse any implement of housebreaking,

may be arrested by any Police officer without a warrant, and shall be punished with imprisonment for a term not exceeding three months.

Penalty for contravention of rules or directions under sections 39, 40, 41, 44, 45 and 46.

70. Whoever—

(*a*) disobeys an order lawfully made under section 39, 40 or 41, or

(*b*) opposes or fails to conform to any direction given by the Police under section 44, or

(*c*) opposes and disobeys any rule made or direction given under section 46, or

(*d*) contravenes any condition of a license granted under section 45, or

(*e*) abets the commission of any offence referred to in clause (*a*), (*b*), (*c*) or (*d*) of this section,

shall be punished with fine which may extend to two hundred rupees.

(Chapter VI—Offences and Punishments)

71. Whoever contravenes or abets the contravention of any regulation made under section 42 shall be punished with imprisonment which may extend to three months, or with fine which may extend to two hundred rupees, or with both. Penalty for contravention of regulation made under section 42.

72. Whoever opposes or disobeys any direction given by a Magistrate of a district or a Sub-Divisional Magistrate under section 43, or abets opposition to, or disobedience of any such direction, shall be punished with imprisonment which may extend to one month or with fine which may extend to one hundred rupees, or with both. Penalty for contravention of direction given under section 43.

73. Whoever opposes or fails forthwith to comply with any reasonable direction given by a Magistrate or a Police officer under section 51, or abets opposition thereto or failure to comply therewith, shall be punished with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees, or with both. Penalty for opposing or not complying with direction given under section 51.

74. Offences against this Act, when the accused person or any one of the accused persons is a Police officer above the rank of a constable, shall not be cognizable by a Magistrate below the second class. Jurisdiction when offender is a Police officer above the rank of constable.

75. It shall not, except in obedience to a rule or order made by the Government or by the Magistrate of the district, be incumbent on the Police to prosecute for an offence punishable under sections 56, 57, 61, 62, [1][67-A] 70, 71 or 72 when such offence has not occasioned serious mischief and has been promptly desisted from on warning given. Prosecution for certain offences against Act to be at discretion of Police.

76. Nothing in this Act shall be construed to prevent any person from being prosecuted and punished under any other enactment for any offence made punishable by this Act or from being prosecuted and punished under this Act for an offence punishable under any other enactment, provided that all such cases shall be subject to the provisions of section 403 of the Code of Criminal Procedure. Prosecution for offences under other enactments not affected by the Act.

1. Inserted by Act 20 of 1951.

CHAPTER VII.

MISCELLANEOUS.

Disposal of rewards, etc., payable to Police officers.

77. All sums paid for the service of process by Police officers and all rewards, forfeitures and penalties or shares thereof which are by law payable to Police officers or are awarded to them by Magistrates or granted by officers of Government or others shall, except as hereinafter in this section provided, be credited to Government. Provided that, with the sanction of Government or under any rule made by Government in that behalf, the whole or any portion of any such reward, forfeiture or penalty may, for special services, be paid to Police officers or other persons.

Power of Government to make rules.

78. (1) The Government may make rules consistent with this Act for more effectually carrying out the object thereof and may, from time to time, repeal, alter or amend such rules.

Surveillance, etc., of criminal gangs.

(2) Such rules may, among other matters, provide for the registration, surveillance, and control of gangs or classes of persons believed to be addicted to the systematic commission of crime, and for the recording of finger impressions by the Police of any person who—

(*a*) is in custody for a non-bailable offence, or

(*b*) has no settled abode and is suspected to be addicted to crime, or

(*c*) is a member of a gang or class of persons generally addicted to crime.

Publication of rules.

(3) Every rule under this section shall be published in the Official Gazette in English and Kanarese, and shall come into effect after two months from the date of its first publication.

Penalty for breach of rules.

(4) For every breach of any such rule, the offender shall, on conviction, be punished with imprisonment not exceeding eight days or with fine not exceeding ten rupees.

Method of proving orders and notifications issued under Act.

79. Any order or notification published or issued by the Government or by a Magistrate or officer under any provision of this Act, and the due publication and issue thereof, may be proved by the production of a copy thereof in the Official Gazette, or of a copy thereof signed by such

Magistrate or officer and by him certified to be a true copy of an original published and issued according to the provisions of the section of this Act applicable thereto.

Rules and orders not to be deemed invalid on account of defect of form or irregularity in procedure.

80. No rule, order, direction, adjudication, inquiry or notification made or published, and no act done under any provision herein contained or in substantial conformity to the same, shall be deemed illegal, void, invalid or insufficient for any defect of form or publication or any irregularity of procedure.

No Magistrate or Police officer to be liable to any penalty or damages for act done in good faith in pursuance of duty.

81. (1) No Magistrate or Police officer shall be liable to any penalty or to payment of damages on account of any act done in good faith in pursuance or intended pursuance of any duty imposed or any authority conferred on him by any provision of this Act or of any rule, order or direction lawfully made or given thereunder.

No public servant liable as aforesaid for giving effect in good faith to any rule, order or direction issued with apparent authority.

(2) No public servant or person duly appointed or authorised shall be liable as aforesaid for giving effect in good faith to any such order or direction issued with apparent authority by the Government or by a person empowered in that behalf under this Act or any rule made under any provision thereof.

Suits or prosecutions in respect of acts done under colour of duty as aforesaid not to be entertained or to be dismissed if instituted after one year.

(3) In any case of an alleged offence by a Magistrate, Police officer or other person, or of a wrong alleged to have been done by such Magistrate, Police officer or other person, by any act done under colour or in excess of any such duty or authority as aforesaid, or wherein it shall appear to the Court that the offence or wrong if committed or done was of the character aforesaid, the prosecution or suit shall not be entertained, or shall be dismissed, if instituted more than one year after the date of the act complained of.

Tender of amends.

(4) No plaintiff shall recover in any such suit if tender of sufficient amends shall have been made before the institution of such suit or if a sufficient sum of money shall have been paid into Court after institution thereof by or on behalf of the defendant, and, though a decree shall be given for the plaintiff in any such suit, such plaintiff shall not have costs against the defendant, unless the Court shall certify its approbation of the suit.

Act not to affect any law relating to municipalities.

82. Nothing in this Act shall affect any of the provisions of any law in force relating to municipalities.

(*Schedule A*)

SCHEDULE A.

(*See* Section 2)

ENACTMENTS REPEALED.

Number and year of enactment	Title or subject	Extent of repeal
V of 1861 ...	An Act for the Regulation of Police (as extended to the town of Bangalore by Government of India Notifications No. 385, dated the 11th December 1866, and No. 322–I. J., dated the 19th November 1879).	The whole.
III of 1867 ...	For the punishment of public gambling and the keeping of common gaming-houses (as extended to the town of Bangalore by Government of India Notification No. 240, dated the 11th December 1867).	The whole.
1872 ...	Regular Police Rules published under Government of India Notification No. 230—J., dated the 16th October 1872.	The whole, with the exception of the provisions prescribing diaries, books, registers, returns and reports, so far as they are not inconsistent with this Act or rules framed thereunder.

(*Schedule B*)

SCHEDULE B.

(*See* section 10)

FORM I.

FORM OF CERTIFICATE FOR INSPECTOR/SUB-INSPECTOR OF POLICE

The seal of the Inspector-General of Police in Mysore.

A. B.* has been appointed an $\frac{\text{Inspector}}{\text{Sub-Inspector}}$ in the Mysore Police Force..... .....and is vested with the powers, functions and privileges of a Police officer under the Mysore Police Act, 1908.

Dated the .....

(*Signature.*)
Inspector-General of Police.

*PARTICULARS :—

Father's name .....
Race, religion, caste.....
Native place.....
Age.....
Length of previous service, if any.....

FORM II.

FORM OF CERTIFICATE FOR POLICE OFFICER BELOW THE GRADE OF SUB-INSPECTOR.

Seal of the Deputy Commissioner of the District.

A. B.* has been appointed to the Police Force, Mysore, and is vested with the powers, functions and privileges of a Police officer under the Mysore Police Act, 1908.

Dated the.....

(*Signature.*)
Deputy Commissioner.

*PARTICULARS :—

Father's name.....
Race, religion, caste.....
Native place.....
Age.....